

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 GREGORY N. LEONARD,

CASE NO.: 3:15-CV-00031-RCJ-WGC

4 Plaintiff,

ORDER

5 v.

6 E.K. MCDANIEL, *et al.*,

7 Defendant.

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9 Before the Court is the Reports and Recommendations of U.S. Magistrate Judge (ECF No. 82¹)
10 entered on October 31, 2016, recommending that the Court grant in part and deny in part Defendants'
11 Motion for Summary Judgment (ECF No. 35), but that the remaining claims be dismissed without
12 prejudice due to Plaintiff's failure to exhaust his administrative remedies. On November 16, 2016
13 Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (ECF No. 85). On
14 November 22, 2016 Defendants filed a Response to Plaintiff's Objections (ECF No. 87).

15 The Court has conducted its *de novo* review in this case, has fully considered the objections of
16 the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant
17 to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's
18 Reports and Recommendation (ECF No. 82) entered on October 31, 2016, should be ADOPTED AND
19 ACCEPTED.

20 IT IS HEREBY ORDERED that Plaintiff's Motion for Appointment of Counsel (ECF No. 70)
21 is DENIED.

22 IT IS FURTHER ORDERED that Defendants Motion for Summary Judgment (ECF No. 35) is
23 GRANTED and DENIED in PART.

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¹Refers to court's docket number.

1 IT IS FURTHER ORDERED that Plaintiff's remaining claim concerning the adequacy of the
2 heating in his cell is DISMISSED WITHOUT PREJUDICE. The Clerk of the Court shall enter
3 judgment according and close this case.

4 IT IS FURTHER ORDERED that all remaining pending motions are DENIED as MOOT.

5 IT IS SO ORDERED this 6th day of March, 2017.

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ROBERT C. JONES